IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

PAMELA G. CAPPETTA,)
Plaintiff,)
v.) Civil Action) No. 3:08cv28
GC SERVICES, LP) 10. 3.0800286
Defendant.)))

PLAINTIFF'S MEMORANDUM IN SUPPORT OF HER MOTION FOR LEAVE TO EXCEED PAGE LIMITATION FOR REPLY MEMORANDUM IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

COMES NOW the Plaintiff, and as for her Memorandum in Support of her Motion for Leave to Exceed the Reply Brief Page Limitation, she states as follows:

Plaintiff seeks to file a reply brief in support of her Motion for Class Certification that exceeds the twenty-page limit, specifically, a reply brief of 33 pages. Plaintiff makes this Motion after multiple edits of her Reply Brief by three different attorneys.

A Rule 23 Motion for Class Certification presents an unusual briefing posture. A Plaintiff's opening brief is less a targeted argument and instead merely prophylactic against then unknown objections by the Defendant. It is only upon receipt of that defense opposition that a moving Plaintiff can know what arguments and Rule 23 challenges she need address. Defendant's opposition illustrates this point. Almost none of its contents addressed directly the legal and factual arguments offered in Plaintiff's opening brief. Accordingly, in this Rule 23 posture, the Plaintiff's reply brief needs to be more substantive and developed than in more conventional motions practice.

This request is warranted given the complexity of the legal issues involved in this action and the significance of the issues that are addressed by the Defendant in its opposition for the first time in this litigation. The Plaintiff believes that the additional pages will assist the Court in

Case 3:08-cv-00288-JRS Document 189 Filed 08/24/09 Page 2 of 3

resolving Plaintiff's motion such that the Defendant's arguments are fully before the Court prior

to oral argument. Further, Plaintiff has retained several large block quotes from major and on-

point cases in order to permit a more expedited review and consideration of the arguments

therein. Defendant has itself filed an opposition brief that slightly exceeds the thirty-page limit

set forth in Local Rule 7(e), and Defendant will not suffer undue prejudice from the additional

clarification offered by the Plaintiff.

For these reasons, Plaintiff respectfully requests that this Court grant her motion for leave

to exceed page limits in her reply in support of her motion for class certification.

Respectfully submitted,

PAMELA G. CAPPETTA,

/s/

Leonard A. Bennett, VSB#37523

Counsel for the Plaintiff

CONSUMER LITIGATION ASSOCIATES, P.C.

12515 Warwick Boulevard, Suite 100

Newport News, Virginia 23606

Tel: 757-930-3660 Fax: 757-930-3662

lenbennett@cox.net

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of August, 2009 I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification to the following:

Brian Brooks O'Melveny & Myers LLP (DC-NA) 1625 Eye Street NW Washington, DC 20006 bbrooks@omm.com

John MacDonald Robb, III LeClair Ryan PC PO Box 2499 Richmond, VA 23218-2499 jack.robb@leclairryan.com

David Matthew Schultz Hinshaw & Culbertson LLP 222 N LaSalle St Suite 300 Chicago, IL 60601 dschultz@hinshawlaw.com

Charles Michael Sims LeClair Ryan PC PO Box 2499 Richmond, VA 23218-2499 charles.sims@leclairryan.com

Todd Stelter Hinshaw & Culbertson LLP 222 N LaSalle St., Suite 300 Chicago, IL 60601 tstelter@hinshawlaw.com

/s

Leonard A. Bennett, VSB#37523 Counsel for the Plaintiff CONSUMER LITIGATION ASSOCIATES, P.C. 12515 Warwick Boulevard, Suite 100 Newport News, Virginia 23606

Tel: 757-930-3660 Fax: 757-930-3662 lenbennett@cox.net